

City of Corunna  
Regular Council Meeting  
Monday, May 5, 2003

Present: Corey, Jessen, Johnson, Mehigh, Runyan, Sanderson, Wagner.

Absent: None.

Guests: Joe Sawyer, City Manager; Merilee Lawson, City Assessor/Planner; Tim Crawford, Superintendent of Public Works; Judy Horton; Shirley Sanderson; Scott Johnson, Fire Chief; Janet Washburn, Parks and Recreation Director; Tina Volek, County Coordinator; and other concerned citizens.

The meeting was called to order in the City Council Chambers by Mayor Corey at 7:00 p.m.

MINUTES OF THE PREVIOUS REGULAR MEETING: Johnson moved, Sanderson seconded to approve the regular meeting minutes dated April 21, 2003 as presented.

Roll call vote:

Yes: Wagner, Johnson, Sanderson, Runyan, Jessen, Mehigh.

No: None.

Motion CARRIED

AGENDA APPROVAL: Runyan moved, Wagner seconded to approve the agenda as presented by moving Item No. 12 to Item No. 1, renumbering the other items down one until Item No. 13 and adding Item No. 16) Consider Approving Payment to The Corunna Ambulance Service.

Roll call vote:

Yes: Jessen, Runyan, Mehigh, Wagner, Johnson, Sanderson.

No: None.

Motion CARRIED

APPROVAL OF VENDOR DISBURSEMENTS: Mehigh moved, Sanderson seconded to approve the vendor disbursements as presented.

Roll call vote:

Yes: Runyan, Wagner, Jessen, Sanderson, Mehigh, Johnson.

No: None.

Motion CARRIED

CONSIDER REQUEST FOR VFW POST 4005 POPPY SALES MAY 8-10, 2003: Wagner moved, Runyan seconded to approve the VFW Post 4005 Poppy Sales for May 8-10, 2003.

Roll call vote:

Yes: Sanderson, Mehigh, Johnson, Jessen, Wagner, Runyan.

No: None.

Motion CARRIED

Charles Ingram, Poppy Chairman from the Corunna Veterans of Foreign Wars, introduced the 2003 Poppy Queen, Nori Long, who then sold the first poppies to the city council and audience members.

SET PUBLIC HEARING FOR MAY 19, 2003 AT 7:15 P.M. TO CONSIDER ADOPTION OF

2003/2004 TAX RATES (TRUTH IN TAXATION): Johnson moved, Wagner seconded to set a public hearing for Truth in Taxation at 7:15 p.m. on May 19, 2003.

Roll call vote:

Yes: Mehigh, Jessen, Runyan, Johnson, Sanderson, Wagner.

No: None.

Motion CARRIED

7:15 P.M. PUBLIC HEARING – CONSIDER ADOPTION OF

PLUMBING/MECHANICAL/ELECTRICAL ORDINANCE NO. 03-05: Johnson moved, Sanderson seconded to leave the regular session and open public hearing discussion for the Plumbing/Mechanical/Electrical Ordinance No. 03-05.

Roll call vote:

Yes: Johnson, Sanderson, Wagner, Mehigh, Runyan, Jessen.

No: None.

Motion CARRIED Time was 7:15 p.m.

Joe Sawyer advised he was not recommending any action be taken on this item at this time. Rob Kehoe was going to try to be at the meeting tonight, but the same issue was going to be on the City of Durand and Caledonia Charter Township agendas tonight. Mr. Sawyer stated he requested Mr. Kehoe to provide some additional information on this request such as the estimated number of permits that will be involved, what the city would charge versus what the county charges, and what it would cost the city to pay an inspector since Mr. Kehoe is not certified to do this kind of work. Tina Volek stated she and Mr. Sawyer had a discussion about whether the county would be able to take over the building section. She further stated the county has a full-time plumbing, mechanical, electrical and building inspector plus a chief building official, but unfortunately, the chief building official resigned last Friday and the county is in the process of seeking an interim inspector. She further stated she just came from a county commissioner's meeting and the county commissioners would be willing to do the building inspections for the City of Corunna. Mayor Corey asked if there would be a cost to the city. Ms. Volek advised no, any costs would be paid by the person taking out the building permit. Mayor Corey asked if the county would keep the permit fees. Ms. Volek advised yes. She further advised the county reduced the building and inspection fees by ten percent last year and this puts the county in line with some of the other communities. Mayor Corey asked if the county did the inspections for the townships and other cities in the county. Ms. Volek advised she would provide Mr. Sawyer with a list of communities the county takes care of. Mr. Sawyer advised this is one of the departments the city is evaluating for budget purposes. The city has been paying a building inspector \$18,000 per year but the city only receives \$6,000 to \$8,000 a year in permit fees so the city is subsidizing the department \$12,000 per year. He further advised since the city cannot make money on permit fees, the city would have to triple the permit fees to break even. The city permit fees are currently at the same level as the county fees, and if the county reduces

their fees, the city's fees would be higher than what the county charges. He also advised the city was looking at doing its own electrical, mechanical and plumbing inspections like some of the other communities are doing or considering doing in the hopes that enough money would be generated to subsidize the building department. Mr. Sawyer stated he spoke with Mr. Kehoe about cutting back his time, salary and/or both and advised the county has full-time employees. The county would provide the building permit service in exchange for the permit fees. He further stated the charter states the city has to have a building inspector appointed in the administrative offices of the city, but he believes the city can appoint the county inspector as the city's inspector, but this is something that he will have to do a little more research on. He also stated he was leaning in favor of the county's proposal but has not ruled out Mr. Kehoe's proposal. Councilperson Mehig asked if the county's response time for the city's residents would be the same as the city's response time. Ms. Volek advised the county's building permit turn around time is within a day or two. Mr. Sawyer advised the county is using the BS&A software program for tracking the building permits, which is the same program the city uses for assessing. He further advised the city would still control its own zoning. Merilee Lawson advised the city does not have a good cross check at this point and there are a lot of permits pulled in the city that do not have electrical or plumbing permits. Mr. Sawyer stated the city probably has at least 3,000 outstanding building permits because there was no final inspection done. Ms. Lawson advised if the person has to come to the city for a zoning permit, then the city will get a copy of a blueprint for additions, new houses, etc. She further advised the city needs to make sure it has a copy of all blueprints so the city can keep track of what is happening. Mr. Sawyer advised the city would keep the fence permits since this is a zoning issue. Ms. Volek advised the county does not issue fence permits. Mr. Sawyer stated the city would still do its own rental inspections. Johnson moved, Sanderson seconded to close the public hearing discussion for the Plumbing/Mechanical/Electrical Ordinance No. 03-05 and return to the regular session. Roll call vote:

Yes: Wagner, Johnson, Sanderson, Runyan, Jessen, Mehig.

No: None.

Motion CARRIED Time was 7:32 p.m.

#### 7:30 P.M. PUBLIC HEARING – CONSIDER ADOPTION OF METRO ACT

TELECOMMUNICATIONS ORDINANCE NO. 03-06: Wagner moved, Sanderson seconded to leave the regular session and open public hearing discussion for adoption of Telecommunications Ordinance No. 03-06.

Roll call vote:

Yes: Jessen, Runyan, Mehig, Wagner, Johnson, Sanderson.

No: None.

Motion CARRIED Time was 7:35 p.m.

Ms. Lawson gave an overview of the Metro Act and explained the telecommunication companies operating within the city would have to pay five cents per lineal foot for every foot of line in the city right-of-way. She further explained the state has created an authority to collect the fees from the telecommunication companies operating in the state and this authority will disperse the funds to the communities who elect to opt in. She also explained the amount of the disbursement will depend on the state highway formula and based on this

formula, the city should receive \$11,000 to \$14,000 per year. Ms. Lawson advised any new company who wants to operate within the city would have to pay a \$500 application fee. She further advised in order for the city to get its first payment, which will be disbursed May 29, the paperwork has to be in the authority's office by May 9. If the city does not opt in before December 2003, the city will lose the money forever. Mehig moved, Johnson seconded to close the public hearing discussion for adoption of Telecommunications Ordinance No. 03-06 and return to the regular session.

Roll call vote:

Yes: Runyan, Wagner, Jessen, Sanderson, Mehig, Johnson.

No: None.

Motion CARRIED Time was 7:45 p.m.

Johnson moved, Mehig seconded to adopt the following ordinance as presented with copies given to everyone in attendance:

## TELECOMMUNICATIONS ORDINANCE

### *ORDINANCE #03-06*

*AN ORDINANCE TO AMEND THE CODE OF THE CITY OF CORUNNA, MICHIGAN, BY ADDING CHAPTER 23 - TELECOMMUNICATIONS ORDINANCE (aka the Metro Act of Public Act #48 of 2002).*

#### *THE CITY OF CORUNNA ORDAINS:*

#### **Section 1. Purpose.**

The purposes of this ordinance are to regulate access to and ongoing use of public rights-of-way by telecommunications providers for their telecommunications facilities while protecting the public health, safety, and welfare and exercising reasonable control of the public rights-of-way in compliance with the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002) ("Act") and other applicable law, and to ensure that the City qualifies for distributions under the Act by modifying the fees charged to providers and complying with the Act.

#### **Section 2. Conflict.**

Nothing in this ordinance shall be construed in such a manner as to conflict with the Act or other applicable law.

#### **Section 3. Terms Defined.**

The terms used in this ordinance shall have the following meanings:

*Act* means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002), as amended from time to time.

*City* means the City of Corunna.

*City Council* means the Corunna City Council [Commission] of the City of Corunna or its designee. This Section does not authorize delegation of any decision or function that is required by law to be made by the Corunna City Council.

*City Manager* means the City Manager or his or her designee.

*Permit* means a non-exclusive permit issued pursuant to the Act and this ordinance to a telecommunications provider to use the public rights-of-way in the City for its telecommunications facilities.

All other terms used in this ordinance shall have the same meaning as defined or as provided in the Act, including without limitation the following:

*Authority* means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority created pursuant to Section 3 of the Act.

*MPSC* means the Michigan Public Service Commission in the Department of Consumer and Industry Services, and shall have the same meaning as the term "Commission" in the Act.

*Person* means an individual, corporation, partnership, association, governmental entity, or any other legal entity.

*Public Right-of-Way* means the area on, below, or above a public roadway, highway, street, alley, easement or waterway. Public right-of-way does not include a federal, state, or private right-of-way.

*Telecommunication Facilities or Facilities* means the equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify, or provide telecommunication services or signals. Telecommunication facilities or facilities do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed

commercial mobile service as defined in section 332(d) of part I of title III of the communications act of 1934, chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, and service provided by any wireless, two-way communication device.

*Telecommunications Provider, Provider and Telecommunications Services* mean those terms as defined in Section 102 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2102. Telecommunication provider does not include a person or an affiliate of that person when providing a federally licensed commercial mobile radio service as defined in Section 332(d) of part I of the communications act of 1934, chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, or service provided by any wireless, two-way communication device. For the purpose of the Act and this ordinance only, a provider also includes all of the following:

(a) A cable television operator that provides a telecommunications service.

(b) Except as otherwise provided by the Act, a person who owns telecommunication facilities located within a public right-of-way.

(c) A person providing broadband internet transport access service.

#### **Section 4. Permit Required.**

(a) *Permit Required.* Except as otherwise provided in the Act, a telecommunications provider using or seeking to use public rights-of-way in the City for its telecommunications facilities shall apply for and obtain a permit pursuant to this ordinance.

(b) *Application.* Telecommunications providers shall apply for a permit on an application form approved by the MPSC in accordance with Section 6(1) of the Act. A telecommunications provider shall file one copy of the application with the City Clerk, one copy with the [City Manager] , and one copy with the [City Attorney] . Upon receipt, the City Clerk shall make one copies of the application and distribute a copy to the City of Corunna's building inspector. Applications shall be complete and include all information required by the Act, including without limitation a route map showing the location of the provider's existing and proposed facilities in accordance with Section 6(5) of the Act.

(c) *Confidential Information.* If a telecommunications provider claims that any portion of the route maps submitted by it as part of its application contain trade secret, proprietary, or confidential information, which is exempt from the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, pursuant to Section 6(5) of the Act, the telecommunications provider shall prominently so indicate on the face of each map.

(d) *Application Fee.* Except as otherwise provided by the Act, the application shall be accompanied by a one-time non-refundable application fee in the amount of \$500.00.

(e) *Additional Information.* The City Manager may request an applicant to submit such additional information which the City Manager deems reasonably necessary or relevant. The applicant shall comply with all such requests in compliance with reasonable deadlines for such additional information established by the City Manager. If the City and

the applicant cannot agree on the requirement of additional information requested by the City, the City or the applicant shall notify the MPSC as provided in Section 6(2) of the Act.

(f) *Previously Issued Permits.* Pursuant to Section 5(1) of the Act, authorizations or permits previously issued by the City under Section 251 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2251 and authorizations or permits issued by the City to telecommunications providers prior to the 1995 enactment of Section 251 of the Michigan telecommunications act but after 1985 shall satisfy the permit requirements of this ordinance.

(g) *Existing Providers.* Pursuant to Section 5(3) of the Act, within 180 days from November 1, 2002, the effective date of the Act, a telecommunications provider with facilities located in a public right-of-way in the City as of such date, that has not previously obtained authorization or a permit under Section 251 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2251, shall submit to the City an application for a permit in accordance with the requirements of this ordinance. Pursuant to Section 5(3) of the Act, a telecommunications provider submitting an application under this subsection is not required to pay the \$500.00 application fee required under subsection (d) above. A provider under this subsection shall be given up to an additional 180 days to submit the permit application if allowed by the Authority, as provided in Section 5(4) of the Act.

## **Section 5. Issuance of Permit.**

(a) *Approval or Denial.* The authority to approve or deny an application for a permit is hereby delegated to the City Manager. Pursuant to Section 15(3) of the Act, the City Manager shall approve or deny an application for a permit within forty-five (45) days from the date a telecommunications provider files an application for a permit under Section 4(b) of this ordinance for access to a public right-of-way within the City. Pursuant to Section 6(6) of the Act, the City Manager shall notify the MPSC when the City Manager has granted or denied a permit, including information regarding the date on which the application was filed and the date on which permit was granted or denied. The City Manager shall not unreasonably deny an application for a permit.

(b) *Form of Permit.* If an application for permit is approved, the City Manager shall issue the permit in the form approved by the MPSC, with or without additional or different permit terms, in accordance with Sections 6(1), 6(2) and 15 of the Act.3.

(c) *Conditions.* Pursuant to Section 15(4) of the Act, the City Manager may impose conditions on the issuance of a permit, which conditions shall be limited to the telecommunications provider's access and usage of the public right-of-way.

(d) *Bond Requirement.* Pursuant to Section 15(3) of the Act, and without limitation on subsection (c) above, the City Manager may require that a bond be posted by the telecommunications provider as a condition of the permit. If a bond is required, it shall not exceed the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunications provider's access and use.

## **Section 6. Construction/Engineering Permit.**

A telecommunications provider shall not commence construction upon, over, across, or under the public rights-of-way in the City without first obtaining a construction or engineering permit as required under chapter 23 of this Code, as amended, for construction within the public rights-of-way. No fee shall be charged for such a construction or engineering permit.

## **Section 7. Conduit or Utility Poles.**

Pursuant to Section 4(3) of the Act, obtaining a permit or paying the fees required under the Act or under this ordinance does not give a telecommunications provider a right to use conduit or utility poles.

## **Section 8. Route Maps.**

Pursuant to Section 6(7) of the Act, a telecommunications provider shall, within 90 days after the substantial completion of construction of new telecommunications facilities in the City, submit route maps showing the location of the telecommunications facilities to both the MPSC and to the City. The route maps should be in [paper or electronic] format unless and until the MPSC determines otherwise, in accordance with Section 6(8) of the Act.

## **Section 9. Repair of Damage.**

Pursuant to Section 15(5) of the Act, a telecommunications provider undertaking an excavation or construction or installing telecommunications facilities within a public right-of-way or temporarily obstructing a public right-of-way in the City, as authorized by a permit, shall promptly repair all damage done to the street surface and all installations under, over, below, or within the public right-of-way and shall promptly restore the public right-of-way to its preexisting condition.

## **Section 10. Establishment and Payment of Maintenance Fee.**

In addition to the non-refundable application fee paid to the City set forth in subsection 4(d) above, a telecommunications provider with telecommunications facilities in the City's public rights-of-way shall pay an annual maintenance fee to the Authority pursuant to Section 8 of the Act.

## **Section 11. Modification of Existing Fees.**

In compliance with the requirements of Section 13(1) of the Act, the City hereby modifies, to the extent necessary, any fees charged to telecommunications providers after



November 1, 2002, the effective date of the Act, relating to access and usage of the public rights-of-way, to an amount not exceeding the amounts of fees and charges required under the Act, which shall be paid to the Authority. In compliance with the requirements of Section 13(4) of the Act, the City also hereby approves modification of the fees of providers with telecommunication facilities in public rights-of-way within the City's boundaries, so that those providers pay only those fees required under Section 8 of the Act. The City shall provide each telecommunications provider affected by the fee with a copy of this ordinance, in compliance with the requirement of Section 13(4) of the Act. To the extent any fees are charged telecommunications providers in excess of the amounts permitted under the Act, or which are otherwise inconsistent with the Act, such imposition is hereby declared to be contrary to the City's policy and intent, and upon application by a provider or discovery by the City, shall be promptly refunded as having been charged in error.

#### **Section 12. Savings Clause.**

Pursuant to Section 13(5) of the Act, if Section 8 of the Act is found to be invalid or unconstitutional, the modification of fees under Section 11 above shall be void from the date the modification was made.

#### **Section 13. Use of Funds.**

Pursuant to Section 10(4) of the Act, all amounts received by the City from the Authority shall be used by the City solely for rights-of-way related purposes. In conformance with that requirement, all funds received by the City from the Authority shall be deposited into the Major Street Fund and / or the Local Street Fund maintained by the City under Act No. 51 of the Public Acts of 1951.

#### **Section 14. Annual Report.**

Pursuant to Section 10(5) of the Act, the City Manager shall file an annual report with the Authority on the use and disposition of funds annually distributed by the Authority.

#### **Section 15. Cable Television Operators.**

Pursuant to Section 13(6) of the Act, the City shall not hold a cable television operator in default or seek any remedy for its failure to satisfy an obligation, if any, to pay after November 1, 2002, the effective date of this Act, a franchise fee or similar fee on that portion of gross revenues from charges the cable operator received for cable modem services provided through broadband internet transport access services.

#### **Section 16. Existing Rights.**

Pursuant to Section 4(2) of the Act, except as expressly provided herein with respect to fees, this ordinance shall not affect any existing rights that a telecommunications provider or the City may have under a permit issued by the City or under a contract between the City and a telecommunications provider related to the use of the public rights-of-way.

## **Section 17. Compliance.**

The City hereby declares that its policy and intent in adopting this ordinance is to fully comply with the requirements of the Act, and the provisions hereof should be construed in such a manner as to achieve that purpose. The City shall comply in all respects with the requirements of the Act, including but not limited to the following:

(a) Exempting certain route maps from the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, as provided in Section 4(c) of this ordinance;

(b) Allowing certain previously issued permits to satisfy the permit requirements hereof, in accordance with Section 4(f) of this ordinance;

(c) Allowing existing providers additional time in which to submit an application for a permit, and excusing such providers from the \$500 application fee, in accordance with Section 4(g) of this ordinance;

(d) Approving or denying an application for a permit within forty- five (45) days from the date a telecommunications provider files an application for a permit for access to and usage of a public right-of-way within the City, in accordance with Section 5(a) of this ordinance;

(e) Notifying the MPSC when the City has granted or denied a permit, in accordance with Section 5(a) of this ordinance;

(f) Not unreasonably denying an application for a permit, in accordance with Section 5(a) of this ordinance;

(g) Issuing a permit in the form approved by the MPSC, with or without additional or different permit terms, as provided in Section 5(b) of this ordinance;

(h) Limiting the conditions imposed on the issuance of a permit to the telecommunications provider's access and usage of the public right-of-way, in accordance with Section 5(c) of this ordinance;

(i) Not requiring a bond of a telecommunications provider which exceeds the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunication provider's access and use, in accordance with Section 5(d) of this ordinance;

(j) Not charging any telecommunications providers any additional fees for construction or engineering permits, in accordance with Section 6 of this ordinance;

(k) Providing each telecommunications provider affected by the City's right-of-way fees with a copy of this ordinance, in accordance with Section 11 of this ordinance;

(l) Submitting an annual report to the Authority, in accordance with Section 14 of this ordinance; and

(m) Not holding a cable television operator in default for a failure to pay certain franchise fees, in accordance with Section 15 of this ordinance.

#### **Section 18. Reservation of Police Powers.**

Pursuant to Section 15(2) of the Act, this ordinance shall not limit the City's right to review and approve a telecommunication provider's access to and ongoing use of a public right-of-way or limit the City's authority to ensure and protect the health, safety, and welfare of the public.

#### **Section 19. Severability.**

The various parts, sentences, paragraphs, sections, and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause of this ordinance is adjudged unconstitutional or invalid by a court or administrative agency of competent jurisdiction, the unconstitutionality or invalidity shall not affect the constitutionality or validity of any remaining provisions of this ordinance.

#### **Section 20. Authorized City Officials.**

The City Manager or his or her designee is hereby designated as the authorized City official to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the municipal chapter violations bureau) for violations under this ordinance as provided by the City Code.

#### **Section 21. Municipal Civil Infraction.**

A person who violates any provision of this ordinance or the terms or conditions of a permit is responsible for a municipal civil infraction, and shall be subject to [specify local civil infraction fines or ordinance section references here]. [If the City does not have a municipal civil infraction ordinance: A violation of this ordinance shall be a violation of the City Code.] Nothing in this Section 21 shall be construed to limit the remedies available to the City in the event of a violation by a person of this ordinance or a permit.

#### **Section 22. Repealer.**

(a) All ordinances and portions of ordinances inconsistent with this ordinance are hereby repealed.

**Section 23. Effective Date.**

This Ordinance shall take effect pursuant to the Corunna City Charter, immediately upon publication hereof.

Roll call vote:

Yes: Sanderson, Mehigh, Johnson, Jessen, Wagner, Runyan.

No: None.

Motion CARRIED

Ms. Lawson advised the resolution attached to the ordinance should also be adopted.

Runyan moved, Wagner seconded to adopt the following resolution as presented:

**TELECOMMUNICATIONS RESOLUTION**

**CITY OF CORUNNA  
COUNTY OF SHIAWASSEE, MICHIGAN**

**RESOLUTION IMPLEMENTING CITY  
TELECOMMUNICATIONS ORDINANCE #03.06**

**WHEREAS**, the State of Michigan recently enacted the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, Act No. 48 of the Public Acts of 2002 (the "Act"); and

**WHEREAS**, the Act, among other things, provides for a uniform permit and permit fee for access to and use of the public rights-of-way by telecommunications providers; and

**WHEREAS**, the Act further provides, among other things, for a distribution of funds from the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority (the "Authority"), established pursuant to Section 3 of the Act, *provided* the City takes certain action in compliance with the Act; and

**WHEREAS**, the City has, contemporaneously with this resolution, adopted Ordinance No. 03-06 (the "Telecommunications Ordinance") for purposes of complying with the requirements of the Act, so as to ensure that the City qualifies for distributions from the Authority under the Act; and

**WHEREAS**, the City desires to give additional instruction and direction to the City Manager and other City personnel charged with implementing the Ordinance;

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, that the City Manager [or other public official] is hereby authorized and directed to identify all telecommunications providers holding permits or authorizations issued by the City [and, as part of that process, to compile a list of all telecommunication providers who have paid fees to the City since 1990, all telecommunications providers identified in the City's engineering or construction

permit files and all regulated telephone inter exchange carriers and competitive access providers listed on the web site of the Michigan Public Service Commission and all regulated local telephone companies licensed in Michigan listed on such web site];

**FURTHER RESOLVED**, that the City Manager is hereby authorized and directed to provide a copy of the Ordinance to the cable company[ies] providing service in the City, and to all telecommunications providers identified above, in satisfaction of the requirements of Section 13(4) of the Act; and

**FURTHER RESOLVED**, that the finance department of the City is hereby directed to return, to telecommunications providers, any checks or portion of checks received by the City from such providers for access and usage of the public rights-of-way in the City after November 1, 2002 (other than the \$500 application fee allowed under the Act and any fees or funds received from the Authority).

**RESOLUTION DECLARED ADOPTED.**

Roll call vote:

Yes: Mehigh, Jessen, Runyan, Johnson, Sanderson, Wagner.

No: None.

Motion CARRIED

**SET PUBLIC HEARING FOR MAY 19, 2003 AT 7:30 P.M. TO CONSIDER ADOPTION OF**

**2003/2004 BUDGET**: Johnson moved, Wagner seconded to set a public hearing for the 2003/2004 budget at 7:30 p.m. on May 19, 2003.

Roll call vote:

Yes: Johnson, Sanderson, Wagner, Mehigh, Runyan, Jessen.

No: None.

Motion CARRIED

**CONSIDER ENGINEERING PROPOSAL FOR DUTCHER STREET SANITARY SEWER**

**EXTENSION**: Mr. Sawyer advised a sanitary septic field on Dutcher Street has failed and the property is located 130 feet away from the closest sewer main. The property owner and county health department would like to see the city extend the sewer main. He further advised it looks like the sewer extension could be done for the same cost as putting in an engineered septic system. The whole cost of this project would be assessed to the property owner allowing the property owner to pay for the project over 10 years. He also advised it was his recommendation that the city pay the engineering costs because he has asked Capital Consultants to engineer the sanitary sewer line the entire length of Dutcher Street. Mehigh moved, Runyan seconded to approve the engineering proposal with Capital Consultants for Dutcher Street Sanitary Sewer in the amount not to exceed \$1,975.00 to be paid for from line item number 590-548-821.000 (Waste Water Fund-Engineering).

Roll call vote:

Yes: Wagner, Johnson, Sanderson, Runyan, Jessen, Mehigh.

No: None.

Motion CARRIED

CONSIDER CHANGE OF ZONING FOR CERTAIN PROPERTIES ALONG THE SOUTH SIDE OF M-21 AND THE EAST & WEST SIDES OF NORTH SHIAWASSEE STREET NORTH OF WALNUT STREET:

Councilperson Mehigh asked Ms. Lawson to review this issue with the council. Ms. Lawson explained how the property would be rezoned. She further explained the city needs to make sure it does the right thing to attract people into the city. Wagner moved, Sanderson seconded to approve the rezoning of property located in the Corunna City Limits as legally described in steps 1, 2, 3 & 4 below:

- 1) To increase the depth of current C-3 zoning for properties bordering the South side of M-21, east of N. Shiawassee St., and proceeding east to City limits, legally described as: The N ½ of of the NE ¼ of Sec 21, T7N, R3E, Also the N ½ of the NW ¼ of Section 22 T7N, R3E. Except Beg at the N ¼ post of Sec 22 then S 915' to the POB then S 405' to the E-W 1/8 Line in the NW ¼ of Sec 22, then W 992', then N 405', then E992' then South to POB.
- 2) To re-zone property located along the East side of N. Shiawassee Street North of Walnut Street from RM to C-2 legally described as: Then W 400' ft of the SW ¼ of the NE ¼ of Section 21 T7N R3E 7N, R3E.
- 3) To re-zone property located on the West side of N. Shiawassee St North of Walnut Street in the City of Corunna from Industrial to C-2 and legally described as: Com at the SE Cor of the NW ¼ of Section 21, T7N, R3E (Also described as the center of Section 21) then W 42 Rds then N 20 Rds then E 42 Rds the S 20 Rds to beginning.
- 4) To re-zone property located on the West side of N. Shiawassee South of the Caledonia Drain and extending South to the N Line of Machine Tool & Gear property from Industrial to C-2 and legally described as: Beg at a pt on the N-S ¼ line 1314.60' N from the center post of the section then West 506', then N to the Southerly Bank of the Caledonia Drain then NEly along the Drain to the N-S ¼ line of Section 21 (T7n, R3E), then South to the POB.

Roll call vote:

Yes: Jessen, Runyan, Mehigh, Wagner, Johnson, Sanderson.

No: None.

Motion CARRIED

CONSIDER LOT SPLIT FOR PROPERTY LOCATED AT 448 EAST OLIVER: Mehigh moved, Jessen seconded to approve the lot split of the property located at 448 E. Oliver which would be legally described as: McArthur & Cummins Addition to the City of Corunna – the South ½ of Lot 56, except the East 28' thereof.

Roll call vote:

Yes: Runyan, Wagner, Jessen, Sanderson, Mehigh, Johnson.

No: None.

Motion CARRIED

CONSIDER CHANGES TO BRIDGE CONSTRUCTION ENGINEERING: Mr. Sawyer stated the city took a very strong and aggressive position against closing the bridge in 2001 and the

city is being very cautious so it does not look like the city is changing course. He further stated if council agrees, the heated portion of the department of public works garage would be turned into a fire annex and some of the department of public works equipment would be moved to the main fire hall or to the Olmsted building. Seasonal equipment such as lawn mowers could be stored in the commercial building. Scott Johnson passed out a list of where the firefighters live and reported that 16 firefighters live north of the river and 13 live south of the river. Mr. Sawyer stated it appears the city has adequate firefighters on both sides of the bridge in order to man the fire annex. He further stated the ambulance service location would be more difficult and has not been sorted out yet. One alternative is to keep one basic unit and the echo unit with a paramedic on the south side of the river and the City of Owosso has advised they would work with the City of Corunna by mutual aid. Mr. Sawyer also advised the sheriff's department seems to be willing to work with the city. In 2001, Sheriff Porter advised the sheriff's department would have to build a substation on the north side of the river. Mr. Sawyer stated the city police department might have to box in the Stu Coutts Pavilion to put the second police vehicle in. The department of public works would not have to hire additional employees as reported in 2001. He further stated the Corunna Public Schools has indicated they would be willing to work with the city and would only have to change their bus routes for one semester. Councilperson Sanderson stated he was concerned about the safety of the kids crossing the footbridge in the park and would like to see a parent patrol or police car in the morning and afternoon in case there is a weirdo hanging around in the park because a park can be a dangerous place. Mr. Sawyer advised another crossing guard could be hired. Councilperson Sanderson asked if the kids in the third ward were eligible to ride the school bus. Councilperson Mehigh stated the formula used to be if a child lived a mile away from the school then that child could ride the school bus. Councilperson Sanderson asked Mr. Sawyer to make a note of this to make sure this is included in some type of program. Mr. Sawyer stated he does not recall seeing a mass of kids walking to school. Mehigh moved, Sanderson seconded to award the engineering contract with Capital Consultants in the amount not to exceed \$9,650.00 for design engineering of the Shiawassee Street Bridge to Full-Width Construction to be paid for from line item number 532-560-821.000 (Bridge Construction Fund – Engineering). Roll call vote:

Yes: Sanderson, Mehigh, Johnson, Jessen, Wagner, Runyan.

No: None.

Motion CARRIED

CONSIDER WAIVING PAVILION RENTAL FOR CUB SCOUT PACK #77 ON MAY 17, 2003:

Johnson moved, Jessen seconded to waive the rental fee on the Stu Coutts Pavilion for Cub Scout Pack #77 on May 17, 2003.

Roll call vote:

Yes: Mehigh, Jessen, Runyan, Johnson, Sanderson, Wagner.

No: None.

Motion CARRIED

CONSIDER SANITARY SEWER/WATER REPLACEMENTS ON MACK STREET: Mr. Sawyer

advised there is a sewer problem in the last block of Mack Street between Comstock Street and McDonnell Street. The sewer line is failing just like the sewer line did on S. Brady

Street. He further advised this is also one of the city blocks that needs to have the water line replaced. There is a four-inch water line running down Mack Street from Brady Street to Comstock Street. He also advised the last block of Mack Street has not been repaved and does not have curb and gutter, which is something the city should look at putting in. Mr. Sawyer stated both of these projects are what the capital improvement and sewer improvement charges on the water bills are for. The city is at a point where it should make \$80,000 worth of water and sewer improvements each year. Mehigh moved, Sanderson seconded to award the design-engineering proposal from Capital Consultants for Mack Street sanitary sewer and water replacements in the amount not to exceed \$11,000 to be paid for from line item number 590-548-821.000 (Waste Water Fund - Engineering) and from 591-548-821.000 (Water Fund – Engineering).

Roll call vote:

Yes: Johnson, Sanderson, Wagner, Mehigh, Runyan, Jessen.

No: None.

Motion CARRIED

CONSIDER CEMETERY MAPPING PROPOSAL: Wagner moved, Sanderson seconded to approve the GIS mapping of Pine Tree Cemetery by Capital Consultants in the amount of \$1,850 to be paid for from line item number 711-711-818.000 (Pine Tree Perpetual Care – Contractual).

Roll call vote:

Yes: Wagner, Johnson, Sanderson Runyan, Jessen, Mehigh.

No: None.

Motion CARRIED

CONSIDER OVERHEAD DOOR PROPOSALS FOR THE FIRE ANNEX: Runyan moved, Sanderson seconded to award the Overhead Door Proposal for the Fire Annex to Overhead Door Company of Lansing in the amount of \$3,466.00 to be paid for from line item number 207-266-818.000 (Municipal Building Fund – Contractual Services) for a Series 593 door.

Roll call vote:

Yes: Runyan, Wagner, Jessen, Sanderson, Mehigh, Johnson.

No: None.

Motion CARRIED

CONSIDER HYDRODESIGNS CROSS-CONNECTION CONTROL PROPOSAL: Johnson moved, Sanderson seconded to approve the Cross Connection Control Proposal by HydroDesigns for a three-year term in the amount of \$510.00 per month to be paid for from line item number 591-556-818.000 (Water Fund – Contractual).

Roll call vote:

Yes: Jessen, Runyan, Mehigh, Wagner, Johnson, Sanderson.

No: None.

Motion CARRIED

CONSIDER MASONRY REPAIR PROPOSAL FOR THE OLMSTED PUBLIC LIBRARY

COMPLEX: Mr. Sawyer explained there are areas in the building that need to be ground and caulked. There is one corner of the building that has six loose bricks that need to be



reset and put back on the building. Mehigh moved, Sanderson seconded to award the proposal for masonry repairs on the Olmsted Public Library Complex in the amount of \$1,655.00 to Dean Clemons & Sons Company to be paid for from line item number 207-266-818.000 (Municipal Building Fund – Contractual Services).

Roll call vote:

Yes: Sanderson, Mehigh, Johnson, Jessen, Wagner, Runyan.

No: None.

Motion CARRIED

CONSIDER APPROVING PAYMENT TO THE CORUNNA AMBULANCE SERVICE:

Councilperson Mehigh advised the ambulance service was running tight on funds for several reasons. He further advised he asked Tom Wazny if the township would advance the ambulance service \$5,000 from their June 1 distribution and was told by Mr. Wazny that he would bring this issue up at the township meeting and Councilperson Mehigh advised Mr. Wazny that the city would do the same. The ambulance service could probably run without the advance but it would be really tight. Mayor Corey asked if the request is to advance the ambulance service \$5,000 from the city's 2003/2004 ambulance service payment.

Councilperson Mehigh advised yes providing Caledonia Charter Township does the same.

Runyan moved, Wagner seconded to advance the Corunna Ambulance Service \$5,000 to be deducted from the fall payment of the Tax Collection Fund.

Roll call vote:

Yes: Mehigh, Jessen, Runyan, Johnson, Sanderson, Wagner.

No: None.

Motion CARRIED

CALL TO AUDIENCE: Judy Horton advised she and her husband plus Dick Waters and his wife took a trip to a historical village in Hastings on Sunday. This historical village had 15 or 16 buildings, but she was not impressed at all. She further advised Corunna's church and school are much prettier than those in Hastings.

ROUNDTABLE DISCUSSION: Councilperson Mehigh stated he wanted to thank the planning commission for moving so quickly on rezoning the property that was approved tonight because this has the potential to get the city some commercial development, which will give the city additional tax base. He also thanked Ms. Lawson for putting the information together.

Councilperson Runyan advised the park and recreation commission minutes mention that no decisions have been made about the park opening and closing hours, but he believes the city has an ordinance that covers the opening and closing of the park. Ms. Horton advised the sign in the park states the park opens at daylight and closes at 10 p.m. Mayor Corey advised he thought the park opened at 6 a.m. and closed at midnight between Memorial Day and Labor Day. Ms. Washburn advised the park opens at 6 a.m. and closes at 10 p.m. year round. Ms. Horton advised the park and recreation commission would like to see the park closed earlier due the vandalism this spring. She further advised the other parks close at

dusk. Councilperson Mehigh stated he would like to see the park close at dusk instead of a certain time. Councilperson Runyan advised having the park open at daylight and close at dusk will cover daylight savings time and regular time. Councilperson Mehigh suggested issuing permits to use the park after hours.

Councilperson Sanderson stated he offered to put up a \$100.00 reward for the arrest and conviction of the person doing the damage in the park, but no one took him serious. He would like to see something done before the vandalism starts this summer. Mayor Corey suggested contacting both newspapers about doing a story on the park vandalism and that Councilperson Sanderson was offering a reward. Councilperson Sanderson advised he did not want to give out his name because someone might tear up his house. Councilperson Johnson advised there is no way to stop vandalism because vandalism is going to happen. Councilperson Sanderson stated some kid might rat out another kid for \$100.00. Councilperson Johnson stated an adult might be doing the vandalism. Councilperson Sanderson stated he thought a reward would put an end to the vandalism. Mayor Corey asked if an article could be done that city hall is willing to offer a reward. Mr. Sawyer advised he was not sure what the verbiage should be. Ms. Lawson stated the city should check the legalities about what constitutes someone giving information leading to a conviction. Ms. Washburn asked if a reward would be given each time there is vandalism or would this be a one-time offer. She advised she has checked with other communities and everyone has had vandalism. There is nothing anybody can do unless there is 24-hour surveillance. Mr. Sawyer stated lighting is one of the cheapest and best ways to avoid vandalism, but if the council wants lighting in the park, then lighting needs to be budgeted. Councilperson Runyan stated the lights do not have to be on 24-hours a day and suggested installing motion detector lights.

Mayor Corey advised Mayor Exchange Day with the City of Owosso would be held on May 15. There will be a S.A.T.A. bus at city hall to pick everyone up, which will leave at 8:15 a.m. He further advised the morning would be spent in Owosso and the afternoon in

Corunna. If it is a good day, everyone, who wants to participate, will be dropped off at the airport and will walk to McCurdy Park via the riverwalk path, and if someone does not want to walk, the S.A.T.A. bus can be ridden back to Corunna.

ADJOURN: Jessen moved, Runyan seconded to adjourn.

Roll call vote:

Yes: Sanderson, Mehigh, Johnson, Jessen, Wagner, Runyan.

No: None.

Motion CARRIED Time was 9:31 p.m.

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STEVE COREY, MAYOR

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JANEENE CENKUSH, RECORDING SECRETARY